



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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September 1, 2021

Delivered electronically to Glen Morgan at [glen@wethegoverned.com](mailto:glen@wethegoverned.com)

Subject: Complaint regarding Katherine Festa, PDC Case 94668

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 30, 2021. Your complaint alleged that Katherine Festa, a 2021 candidate for City Council, Position 4, in the City of Federal Way, may have violated RCW 42.17A.230, .240, .445, .700 and .710 for failure to file timely and accurate contribution and expenditure reports; personal use of funds; and failure to accurately disclose personal financial information on the Personal Financial Affairs Statement (F-1) report.

PDC staff reviewed your allegation; the applicable statute, rules, and reporting requirements; the Contribution (C-3) and Summary Campaign Contribution and Expenditure reports (C-4 reports) filed by Friends of Festa for Council (Campaign); and the July 21, 2021, response to the complaint provided by Katherine Festa, on behalf of her Campaign.

Based on staff's review, we found the following:

- On May 19, 2021, Katherine Festa timely filed a Candidate Registration (C-1) report listing Andy Lo as Ministerial Treasurer and selecting the Full Reporting Option.
- On February 10, 2021, Katherine Festa filed a Personal Financial Affairs Statement (F-1) report for 2020.

***Alleged failure to disclose timely and accurate contribution and expenditure reports – (RCW 42.17A.235 and .240)***

- In its response to this complaint, the Campaign, by way of Katherine Festa, stated: “Given that previous 2019 campaign and the current 2021 campaign are for different offices, Position 7 and Position 4 on the Federal Way City Council, respectively, there would have been no previous total cash at the beginning of the 2021 campaign as funds do not roll over automatically across campaigns for different seats. Regardless, we are thankful that the complaint brought to our attention that the 2019 report filings remained incomplete, for which we have promptly filed the few missing reports as of this response. The lapse was not intentional

or malicious, as our campaign values transparency in our elections, and the issue was fixed as soon as we discovered it.”

- Staff noted that the Campaign could have carried forward any campaign contributions/monies left over from the 2019 Campaign to the 2021 Campaign regardless of whether Ms. Festa is running for a different position in 2021. It is still the same office last sought within the same jurisdiction of the City of Federal Way. WAC 390-16-232 states: “A candidate is considered to be seeking the same office last sought, when the candidate seeks: (1) The identical office last sought; or (2) A different position or seat of the same office last sought within the same jurisdiction; or (3) The same office, whether a different seat or position.”
- Additionally, staff also noted that in addition to the late reported expenditures to Argo Strategies, which was reported almost two years late, the Campaign also failed to timely report two \$500 contributions received after the 2019 primary election. The post-primary C-4 report was also not reported in a timely fashion and was reported two years late.
- Regarding the allegation of “possible misinformation provided on Festa’s Financial Affairs Statement and possible misinformation willfully provided to the PDC regarding the residential exemption normally accorded to judges, prosecutors or sheriffs,” the Campaign, by way of the candidate Katherine Festa, stated: “I do not believe I have failed to disclose personal financial information on my F-1 report. Regardless, I have amended the report to add clarify in the effort to increase transparency.”
- Staff noted that Ms. Festa called the PDC for help with her F-1 report and stated that she did not mean to check the “Yes” box to the question under the residential address exemption section of the F-1 report – “Was the filer, spouse, registered domestic partner or dependent a judge, prosecutor or sheriff from 1/1/2020 through 12/31/2020?”
- On July 7, 2021, Ms. Festa successfully submitted an amended F-1 report and unchecked the “Yes” box in the residential address exemption section of the of the F-1 report to correct the misrepresentation depicted on her original F-1 report when she checked the “Yes” box.

While staff found that Katherine Festa failed to file accurate and timely reports of contributions and expenditures in the 2019 election year, she was a first-time candidate who lost in the primary election. Ms. Festa was also very responsive and took corrective action as soon as the shortcomings in reporting was brought to her attention. Lastly, Ms. Festa also recognized the deficiency in her 2019 election year reporting and remedied the deficiency by retaining the services of a professional treasurer for her 2021 Campaign.

However, pursuant to WAC 390-37-060(1)(d), Katherine Festa will receive a formal written warning concerning her 2019 Campaign’s failure to file timely and accurate contribution and expenditure reports as required by the statutory scheme as codified in RCW 42.17A. Ms. Festa will be informed the Commission will consider the formal warning letter in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Erick Agina, Compliance Officer at 360-586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdc.wa.gov](mailto:erick.agina@pdc.wa.gov)

Sincerely,

Endorsed by,

s/\_\_\_\_\_  
Erick Agina, Compliance Officer

s/\_\_\_\_\_  
Kim Bradford, Deputy Director for  
Peter Lavallee, Executive Director

cc: Katherine Festa

